

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DUSTIN J. TRIMM,

Plaintiff,

-against-

GREEN HAVEN CORRECTIONAL
FACILITY,

Defendant.

24-CV-2282 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

On March 25, 2024, the court received from Plaintiff, who currently is incarcerated at Green Haven Correctional Facility (“Green Haven”), a letter that was addressed to the undersigned. In the letter, Plaintiff asserted a claim of deliberate indifference to his serious medical needs at Green Haven. Because Plaintiff complained of alleged unconstitutional conditions of confinement at Green Haven, suggesting an intent to bring civil claims, the Clerk of Court opened Plaintiff’s submission as a new civil action. On April 8, 2024, however, the court received from Plaintiff a complaint against the New York State Department of Corrections and Community Supervision (“DOCCS”)¹ and several correctional officials arising out of the same events described in Plaintiff’s letter. *See Trimm v. NYSDOCCS*, ECF 1:24-CV-2737, 1 (S.D.N.Y. filed Apr. 8, 2024).

This action, which consists of Plaintiff’s letter, was opened in error. Plaintiff’s submission of a proper complaint based on the same events described in the letter indicates that he did not intend the letter to be a new civil complaint. Furthermore, as the claims asserted in the letter are duplicative of those asserted in the complaint, no useful purpose would be served by

¹ In the complaint, Plaintiff refers to DOCCS as the “New York State Dept of Corr’s Community Services.” ECF 1:24-CV-2737, 1.

the continuation of this duplicate lawsuit. Therefore, this action is dismissed without prejudice to Plaintiff's pending case under docket number 24-CV-2737.

In light of the Court's belief that this duplicate lawsuit was opened in error, the Court directs the Clerk of Court not to charge Plaintiff the \$405.00 in filing fees for this action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.

CONCLUSION

The Court dismisses Plaintiff's complaint as duplicative of the action under docket number 24-CV-2737. All other pending matters in this case are terminated.

The Court directs the Clerk of Court not to charge Plaintiff the \$405.00 filing fees for this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment in this action.

SO ORDERED.

Dated: April 15, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge